

SERVICE DATE – FEBRUARY 26, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 786X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN ALACHUA
COUNTY, FLA.

Decided: February 25, 2019

On December 6, 2018, CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 0.23-mile rail line on its Deerhaven Subdivision, Jacksonville Division, between milepost ARB 738.42 and milepost ARB 738.65, the end of the line, in Alachua County, Fla. (the Line). Notice of the exemption was served on December 21, 2018, and published in the Federal Register on December 26, 2018. (Fed. Reg. 66,334). The exemption became effective on January 25, 2019.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) on January 31, 2019,¹ recommending that one condition be imposed on any decision granting abandonment authority. OEA noted that CSXT served a historic report on the Florida Division of Historic Resources (State Historic Preservation Office, or SHPO) pursuant to 49 C.F.R. § 1105.8(c), but that OEA had not received a response to date from the SHPO, and therefore was not able to consider the SHPO's opinion before determining if the Line may be eligible for listing in the National Register of Historic Places (National Register). OEA therefore recommended that a condition be imposed requiring CSXT to: retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, has been completed; report back to OEA regarding any consultations with the SHPO and the public; and not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

OEA issued its final EA on February 15, 2019, noting that no comments to the EA were received and recommending again that the one previously recommended condition be

¹ In a decision served on January 29, 2019, the Board noted that the environmental review process for this proceeding had been delayed due to the recent partial shutdown of the Federal government. To permit the agency time to complete the environmental review, the Board directed CSXT not to file its notice of consummation until further order of the Board.

imposed. Accordingly, based on OEA's recommendation, the condition proposed in the final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served on December 21, 2018, and published in the Federal Register on December 26, 2018, exempting the abandonment of the Line described above, is subject to the condition that CSXT shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. CSXT shall report back to OEA regarding any consultations with the SHPO and the public, and shall not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

3. This decision is effective on its date of service.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.